
From: Dosunmu, Folarin S [Folarin.Dosunmu@skadden.com]
Sent: Friday, December 19, 2008 5:30 PM
To: Held, Michael; Westermann, Robert S.; Walsh, Jeffrey
Cc: Dosunmu, Folarin S (CHI)
Subject: RE: Store location # 755

Confirmed.

Folarin S. Dosunmu
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From: Held, Michael [mailto:mheld@hunton.com]
Sent: Friday, December 19, 2008 4:24 PM
To: Dosunmu, Folarin S (CHI)
Cc: Westermann, Robert S.; Walsh, Jeffrey
Subject: RE: Store location # 755

Folarin - CCDC Marion Portfolio, L.P. ("CCDC") hereby accepts the Circuit City Stores, Inc. offer below, conditioned upon Circuit City's additional agreement that "immediately" as used in the offer shall mean payment on or before December 25, 2008. Further, should the November rent from November 10 through 30, 2008 not be received on or before December 25, 2008, or the December 2008 rent not be received on or before its due date, the parties agree that, notwithstanding the confidentiality provisions below, CCDC shall have the right to seek to enforce the agreement with the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division, including but not limited to seeking immediate payment of the pro-rated November 2008 rent, timely payment of the December 2008 rent, and shall not preclude CCDC from requesting immediate payment of any attorneys' fees and costs incurred by CCDC in enforcing the agreement herein. Finally, the parties have agreed that although rent from November 1 through 9, 2008 and attorneys' fees through December 19, 2008 may not be claimed by CCDC as administrative expenses, CCDC's right to assert such amounts as unsecured claims is preserved, as is Circuit City's right to object to same. - Mike

[Home](#) [VCard](#) [Bio](#)



Michael Held
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From: Dosunmu, Folarin S [mailto:Folarin.Dosunmu@skadden.com]
Sent: Friday, December 19, 2008 2:47 PM
To: Held, Michael
Subject: Store location # 755

CONFIDENTIAL - SUBJECT TO FRE 408

Mike,

The Company's offer is as follows:

The Company will "immediately" pay the November Stub Rent (prorated postpetition rent from November 10, 2008 to November 30, 2008) on behalf of store location # 755, as this store has its rent payable in arrears.

Store location # 755 agrees to waive the right to file administrative claims with respect to the prepetition November rent period (November 1, 2008 to November 9, 2008). This waiver includes any right to an administrative claim for attorney fees that may have been incurred from the petition date to and including December 19, 2008.

Moving forward, Store location # 755 agrees to be bound by the accrual method and not the billing date method. Rent will still be paid at the end of the month for the days that the Debtors occupy the premises during that month until the effective date of rejection.

Store location # 755 agrees to withdraw any filed Motion to Compel and any 365(d)(3) notices that may have been sent on behalf of this location. The Debtors will also represent at the December 22, 2008 hearing that this matter is resolved with respect to Store location # 755.

Please keep this offer confidential and do not share with any other Landlords or other parties. Please let me know if your client is amenable to this offer.

Folarin

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